

Be it Enacted by the People of the State of Colorado:

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MAR 06 2014 2:00 P.M.

Article XXI of the Colorado Constitution is repealed and re-enacted as follows:

Colorado Secretary of State

Article XXI. RECALL FROM OFFICE.

**Section 1. Eligibility.** Any elective officer in any state or local legislative, executive, or judicial office is eligible for recall. Any non-elective officer is eligible for recall when that person is the head, a board member, or a judicial officer of any state or local authority, agency, commission, department, division, enterprise, bureau, district, office, or board, or other government entity that has governmental power or collects, spends, borrows, or loans public money. This article intends to increase public accountability of public servants.

**Section 2. Procedures.** (1) Five registered electors eligible to vote on the recall may file at any time a signed request to recall any officers listed in section 1. Statewide recalls shall be conducted by the secretary of state. Other recalls shall be conducted by the election official of any county, or city and county, in the recall area.

(2) Election officials shall deliver a requested sample petition section within two days. Each black ink section shall contain 100 entry lines, 20 per 8 1/2" by 14" page in portrait layout, a circulation affidavit, and the question, "Shall (names of officers) be recalled as (titles and name of government)?" No government shall detain, stop, cite, or arrest petition circulators or signers for or while peacefully petitioning. Recall-related perjury, forgery, and felony frauds shall be prosecuted.

(3) Statewide petition entries shall be filed within 180 days of sample petition section delivery, and local petition entries within 90 days. One 30-day extension to file added entries signed at any time shall start from the date a decision of invalidity is issued. That decision shall be the later of the official report or the court results. Those added entries shall be reviewed similarly.

(4) The required number of valid petition entries shall be the lesser of 5% of active registered electors in the recall area or 100,000 such entries. Signers shall be registered electors in the recall area. If elective officers serve a council, legislative, or other district, that district shall be the recall area. Entry lines shall require only signature and printed name, residential address, and city or town. No error, use, or lack of minor details like middle names or initials, common nickname, street type or direction, apartment, or postal code shall void an entry. Each entry shall be reviewed individually, with no random or statistical sampling or machine reading. Errors in affidavits or sample sections shall not void entries. Entries with a readable first and last name and address, and an attached affidavit with or without errors, shall be presumed valid until disproved by clear and convincing evidence.

(5) Within 20 days of filing, the election official shall count, examine, itemize, and report entries for validity. Within 10 days of that report, only recall filers and the officer may each file without a fee a protest to the supreme court for its new review of disputed entries. Such review shall be conducted, and its results shall issue within 30 days of the protest filing. No party shall receive attorney fees or costs.

(6) Elections shall be held on a Tuesday within 60 days of the last validation decision, but statewide elections shall be in November only. Death, resignation, or removal from office shall stop the recall election but not the vacancy election. Ballots shall repeat without argument the petition question for each officer, list "Yes" and "No" choices, and list one website for each side.

(7) Ballots shall then list candidates nominated to complete the term, and list one website for each. The officer is ineligible. The required number of valid petition entries shall be the lesser of 1% of active registered electors in the recall area or 10,000 such entries. Entries shall be filed by 10 days after the earlier of the first recall entry filing or a recall stopped as provided above. Validation and extension

deadlines shall be 20% of the time allowed for recall entries. Unless otherwise stated in this article, the standards for recall petitions shall apply to nominations in recall or later vacancy elections.

(8) Successors shall be installed at once. With no successor, a vacancy is filled by like means in the next November election at least 90 days later. In the interim, the lieutenant governor replaces a recalled governor and mayoral offices may be filled. Recall petitions against successors shall not start for two years. Non-elective officer vacancies are filled by appointments.

**Section 3. Enforcement.** (1) No officer in a recall shall conduct that recall or decide its entry validity. No person shall sign a petition more than once. An entry made by good faith mistake is not unlawful. Any Colorado adult citizen may circulate any petition. To reduce retaliation and intimidation, no law, rule, or court shall prohibit, regulate, or limit recall or candidate petition circulator payments or recall donors, or require naming paid circulators or recall donors. No person shall receive government money, labor, or aid, directly or indirectly, to defeat any recall or to repay any recall campaign costs.

(2) "Elective" means in an office subject to regular or retention elections, whether or not appointed or term limited. Recalled officers, and those who resigned or were removed from office during their recall process, shall not be any officer, as defined in section 1, for the next four years. Up to five officers in the same government may be listed on one recall petition, but they shall be voted on separately. No one officer shall be listed on a recall ballot more often than once every four years. This article also applies in all home rule jurisdictions as a matter of statewide concern. The secretary of state website shall always list by name, title, and government all officers eligible for recall, and also all persons ineligible to be section 1 officers until the date listed on that website.

(3) To enforce this article on issues other than specific entry validity, any Colorado adult citizen may file a district court case, which shall be decided within 30 days. Direct appeals to the supreme court filed within 10 days thereafter shall be decided within 60 days. Only successful plaintiffs enforcing this article shall be awarded their costs, attorney fees, and damages. This article is self-executing, severable, and effective upon passage. It shall be interpreted strictly in favor of this fundamental right to petition for recall and replacement, and against all officers and all governments. It supersedes all conflicting state and local constitutional, statutory, charter, and other laws and legal provisions.